

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

## MICHAEL MONTGOMERY.

Plaintiff.

vs.

WAL-MART STORES, INC.;  
KINDERHOOK INDUSTRIES II,  
L.P.; KINDERHOOK INDUSTRIES,  
L.L.C.; KINDERHOOK CAPITAL  
FUND II, L.P.; CRESTWOOD  
HOLDINGS, INC.; BERGAN, L.L.C.;  
JOHN ELMBURG; ROBERT  
ELMBURG; ERIC ELMBURG;  
ROCKY FLICK; HOME DEPOT  
U.S.A., INC.; DOES 1 through 20,  
inclusive.

## Defendants.

CASE NO. 12CV3057 JLS (DHB)

## **ORDER RESETTING HEARINGS**

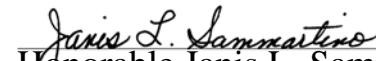
(ECF Nos. 29, 31, 40, 41, 42)

Presently before the Court are Defendant Robert Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)) (ECF No. 29); Defendant Rocky Flick's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)) (ECF No. 31); Defendant Bergan, LLC's Motion to Dismiss for Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F)) (ECF No. 40); Defendant Crestwood Holdings, Inc.'s Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of Standing (12(B)(1)), Failure to State a Claim (12(B)(6))

1 and Motion to Strike (12(F)) (ECF No. 41); and Defendants John Elmburg and Eric  
2 Elmburg's Motion to Dismiss for Lack of Personal Jurisdiction (12(B)(2)), Lack of  
3 Standing (12(B)(1)), Failure to State a Claim (12(B)(6)), and Motion to Strike (12(F))  
4 (ECF No. 42). A hearing on these motions is currently set for April 11, 2013. The  
5 Court, on its own motion, **HEREBY VACATES** the hearings and **RESETS** them for  
6 Friday, May 31, 2013 at 3:00 p.m.

7 **IT IS SO ORDERED.**

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9 DATED: April 3, 2013

10   
11 Honorable Janis L. Sammartino  
12 United States District Judge

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